

# ARKANSAS SUPREME COURT

Opinions Delivered  
November 5, 2009

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JIM HANNAH, CHIEF JUSTICE:

CR02-811. Rickey Dale Newman v. State of Arkansas, from Crawford Circuit. Petition to Reinvest Jurisdiction in Circuit Court to Consider Writ of Error Coram Nobis. Petition Granted.

CR07-623. Ronald J. Campbell v. State of Arkansas, from Lonoke Circuit. Reversed and Remanded.]

DONALD L. CORBIN, JUSTICE:

CR08-1394. Wilbert L. Johnson v. State of Arkansas, from Pulaski Circuit, Seventh Division. Appeal Dismissed With Prejudice; Motions Moot.

08-1191. Joy Danielle Dachs and Joshua Allen Dachs, Individually; and Joy Danielle Dachs, as Special Representative of the Estate of Elizabeth Anne Dachs, Deceased v. Barry D. Hendrix, M.D.; Family Practice Clinic; Hendrix Medical Services, PLLC; Paragould Physicians Management, LLC; Rebecca Fisher, LPN; Cynthia A. Bartholomew, RN; Arkansas Methodist Hospital Corporation d/b/a Arkansas Methodist Hospital, and d/b/a Arkansas Methodist Medical Center; and Continental Casualty Company, from Greene Circuit. Circuit Court Affirmed; Court of Appeals Affirmed. Gunter, J., not participating.

ROBERT L. BROWN, JUSTICE:

09-443. Judicial Discipline and Disability Commission v. L.T. Simes, an Original Action from Arkansas Judicial Discipline and Disability Commission. Order of Suspension; Motion to Strike Extraneous Material from the Record Denied. Special Justice Ron Sheffield joins. Hannah, C.J., and Corbin, J., concur in part and dissent in part. Danielson, J., dissents in part and concurs in part. Wills, J., not participating.

ANNABELLE CLINTON IMBER, JUSTICE:

CR09-263. Gordan Randall Gwathney v. State of Arkansas, from Lee Circuit. Affirmed.

JIM GUNTER, JUSTICE:

08-1438. Guy Jones v. J. Eric Turner and Carco of Arkansas, Inc., from Faulkner Circuit. Reversed and Remanded. ]

ELANA CUNNINGHAM WILLS, JUSTICE:

CR09-647. Demetrius Heard v. State of Arkansas, from Lonoke Circuit. Circuit Court Affirmed; Court of Appeals Reversed. Hannah, C.J., dissents.

08-1257. Louise DePriest, Iva Duncan, Gladys Eaton, Carolyn Knight, Geraldine Harris, Bernice Milam, Wanda Hamilton, Eddie Lou Sanders and Lisa Sanders v. Astrazeneca Pharmaceuticals, L.P.; Astrazeneca, PLC; Zeneca, Inc.; and Astrazeneca U.S., from Searcy Circuit. Affirmed.

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PER CURIAM OPINION:

CR07-1229. Efrain Viveros v. State of Arkansas, from Crawford Circuit. Affirmed.

**PER CURIAM ORDERS**

REHEARINGS DENIED: Petitions for rehearing were denied today in the following cases.

08-1089. Bernice McWhorter v. Gene McWhorter, from Phillips Circuit. Danielson, J., would grant.

08-1099. John H. Bayird v. William Floyd et al., from Drew Circuit.

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REVIEWS DENIED: Petitions for review were denied today in the following cases.

CR09-739. Leland Allen Radford v. State of Arkansas, from Crawford Circuit.

CR09-1067. Jonathan L. Stevenson v. State of Arkansas, from Mississippi Circuit, Osceola District.

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09-443. Judicial Discipline and Disability Commission v. L.T. Simes, an Original Action. Motion to strike extraneous material from the record is denied. See opinion issued this date.

CR95-975. Jimmy Don Wooten v. State of Arkansas, from Pope Circuit. Application for permission to be appointed as counsel on behalf of defendant is granted.

09-1122. In Re: Don Clayton Cooksey, Arkansas Bar No. 74199, an Original Action. Petition for voluntary surrender of law license is granted. See **per curiam** this date.

CACR08-762. Lee Mark Harris v. State of Arkansas, from Desha Circuit, Arkansas City District. Appellant's motion to transfer to the Supreme Court is denied.

CR09-324. Jewel Eugene Johnson v. State of Arkansas, from Pulaski Circuit, Fifth Division. Appellant's motion to file corrected brief is granted. Imber, J., not participating.

09-487. Bobby Stewart v. Arkansas Glass Container et al., from Arkansas Workers' Compensation Commission. Appellees' motion to allow supplemental briefing is granted.

09-684. John Doe et al. v. Stark Ligon in his capacity as Director of the Arkansas Supreme Court Committee on Professional Conduct et al., an Original Action. Petitioners' motion for leave to file amended petition for writ of certiorari is granted.

09-1009. *McCourt Manufacturing Corporation v. Dave Rycroft*, from Sebastian Circuit, Fort Smith District. Motion to file nonconforming brief is denied; brief due within seven days.

09-1141. *Luke Bradshaw et al. v. Alpha Packaging, Inc. d/b/a Edge Marketing Group, Inc.*, from Sebastian Circuit, Greenwood District. Petition for writ of certiorari to complete the record. Granted thirty days.

CR96-220. *Walter Anthony Webb v. State of Arkansas*, from Greene Circuit. Pro se petition to reinvest jurisdiction in the trial court to consider a petition for writ of error coram nobis. Petition denied. See **per curiam** this date.

CR07-1318. *Robert T. Maxwell a/k/a G-Doffee v. State of Arkansas*, from Pulaski Circuit, Fourth Division. Pro se motion for reconsideration of order denying petition to reinvest jurisdiction in trial court to consider a petition for writ of error coram nobis. Motion denied. See **per curiam** this date.

CR08-1398. *Albert Lee Johnson v. State of Arkansas*, from Pulaski Circuit, Seventh Division. Pro se motion for extension of brief time. Appeal dismissed; motion moot. See **per curiam** this date.

CR09-336. *Willie G. Davis, Jr. v. Honorable Samuel Pope, Circuit Judge*, from Desha Circuit, Arkansas City District. Pro se motion for rehearing treated as motion for reconsideration and denied; pro se amended motion for reconsideration of order denying motion for rule on clerk to file petition for writ of mandamus without certified record denied; and pro se motion for appointment of counsel moot. See **per curiam** this date.

CR09-645. *Marlon A. Pineda v. State of Arkansas*, from Benton Circuit. Appellee's motion to dismiss appeal. Motion granted. See **per curiam** this date.

CR09-793. *Rodney L. Crosby v. State of Arkansas*, from Washington Circuit. Pro se motion for appointment of counsel. Appeal dismissed; motion moot. See **per curiam** this date. [

CR09-945. *Leslie A. Young v. State of Arkansas*, from Sharp Circuit. Pro se motions for belated appeal treated as motion for rule on clerk and denied; motions for copy or use of transcript and for appointment of counsel moot. See **per curiam** this date.

09-975. *Wesley Elisha Grissom v. State of Arkansas*, from Lincoln Circuit. Pro se motion for extension of time to file appellant's brief. Appeal dismissed; motion moot. See **per curiam** this date.

09-997. *Lance Mitchell Owens v. Honorable John R. Scott, Circuit Judge*, from Benton Circuit. Pro se petition for writ of mandamus. Petition moot. See **per curiam** this date.

In Re: Supreme Court Committee on Professional Conduct: See **per curiam** this date.

By this Per Curiam Order, the Court makes appointments and reappointments of members of the Court's Committee on Professional Conduct (the "Committee"), all effective January 1, 2010.

Panel B: Sylvia Orton of Little Rock is reappointed for a second six-year term on Panel B, expiring December 31, 2015, as a non-attorney at-large member. James S. Dunham of Russellville is appointed to a first six-year term on Panel B, expiring December 31, 2015, as the attorney member for the Third Congressional District, replacing J. Michael Cogbill who is term-limited.

Panel C: Circuit Judge Kathleen Bell of Helena-West Helena is reappointed for a second six-year term, expiring December 31, 2015, on Panel C as the attorney member for the First Congressional District.

The court expresses its appreciation and gratitude to Ms. Orton, Judge Bell, and Mr. Dunham for their willingness to serve and for accepting their appointments to the Committee.

The Court expresses its appreciation, gratitude, and best wishes for the future to Mr. Cogbill for his long service to the Court, the Committee, and the public.

## MOTIONS SUBMITTED

### PETITION FOR REVIEW:

09-1080. Gary Painter and Norma Painter v. Bethany Kerr, from Benton Circuit.

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CR09-410. Kitaka Lauderdale v. State of Arkansas, from Craighead Circuit, Western District. Court Reporter Elvetta J. Stacy is ordered to appear and show cause at 9:00 a.m. today.

CA09-304. Willis B. Smith, Jr. et ux. v. Arkansas Public Service Commission et al., from Arkansas Public Service Commission. Appellants' motion to consolidate appeals.

CA09-283. Donald R. Johnson et al. v. Arkansas Public Service Commission et al., from Arkansas Public Service Commission. Appellants' motion to consolidate appeals.

CA09-385. Hempstead County Hunting Club, Inc. et al. v. Arkansas Public Service Commission, from Arkansas Public Service Commission. Motion to separate Arkansas Public Service Commission dockets filed jointly on appeal.

CR09-77. Timothy Wayne Kemp v. State of Arkansas, from Pulaski Circuit, First Division. Appellee's motion to advance case to submission for decision.

CR09-823. Jason Lee Taylor v. State of Arkansas, from Saline Circuit. Motion to withdraw as counsel of record.

09-834. Arkansas Media, LLC et al. v. Max E. Bobbitt et al., from Pulaski Circuit, Sixth Division. Appellants' motion for oral argument.

09-894. Patrick Devenish v. Hellene Devenish, from Benton Circuit. Appellant's motion to dismiss appeal.

09-1040. Swift Transportation Company, Inc. v. Joseph Turner, from Drew Circuit. Appellee's motion to withdraw petition for review.

09-1165. Southern Farm Bureau Casualty Insurance Company, Inc. v. Rebecca B. Krouse, from Columbia Circuit. Petition for writ of certiorari to complete the record.

09-1174. Jeff Butcher v. Honorable Gary Ray Cottrell, Circuit Judge, from Crawford Circuit. Petition for writ of mandamus.

## SUBMISSIONS

CR09-519. Ramon Williamson v. State of Arkansas, from Pulaski Circuit, Fourth Division.

08-740. Christopher Wayne Roberts v. Robin Yanyan Roberts, from Pulaski Circuit, Seventeenth Division.

08-1492. State of Arkansas v. R. H., from Pulaski Circuit, Tenth Division.

09-22. Brandy Mae Duncan v. Jeremy Scott Duncan, from White Circuit.

09-135. State of Arkansas Office of Child Support Enforcement v. Jason Hearst, from Faulkner Circuit.

09-141. The Ralph Loyd Martin Revocable Trust Dated April 1, 1994 et al. v. Arkansas Midstream Gas Services Corp., from White Circuit.